

# Order

Michigan Supreme Court  
Lansing, Michigan

May 30, 2006

Clifford W. Taylor,  
Chief Justice

130353

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 130353  
COA: 257353  
Oakland CC: 04-195521-FC

BOBBY LYNELL SMITH,  
Defendant-Appellee.

---

On order of the Court, the application for leave to appeal the December 27, 2005 judgment of the Court of Appeals is considered, and it is GRANTED. The parties are directed to include among the issues to be briefed: (1) whether *Blockburger v United States*, 284 US 299, 304; 52 S Ct 180; 76 L Ed 306 (1932), or *People v Robideau*, 419 Mich 458 (1984), sets forth the proper test to determine when “multiple punishments” are barred on double jeopardy grounds pursuant to Const 1963, art 1, § 15, taking into consideration this Court’s prior precedent in “multiple punishment” claims and the common understanding of “same offense” as it relates to the “multiple punishments” prong of double jeopardy. *Cf. People v Nutt*, 469 Mich 565 (2004), and (2) whether defendant’s convictions of armed robbery and felony-murder based on a predicate felony of larceny violated double jeopardy protections under either the *Blockburger* or *Robideau* test.

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the questions presented in this case may move the Court for permission to file briefs amicus curiae.



s0502

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 30, 2006

*Corbin R. Davis*

Clerk